

## PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Paul Thalhammer  
DOCKET NO.: 05-02380.001-C-1 & 05-02380.002-C-1  
PARCEL NO.: 09-1-22-05-00-000-009 & 09-1-22-05-00-000-009.001

The parties of record before the Property Tax Appeal Board are Paul Thalhammer, the appellant; and the Madison County Board of Review.

The subject property consists of two parcels totaling approximately 20 acres. The property is improved with a truck center that contains approximately 18,218 square feet that was built in 1975, a truck service center that contains 5,920 square feet constructed in 1975 and a building that was formally used as a fast food restaurant that contains 3,620 square feet that was built in 1996. The property is also improved with a truck scale, two service station canopies, 4 - 20,000 gallon underground fuel tanks, 2 - 10,000 gallon underground fuel tanks and a 1,000 gallon underground fuel tank. The property is located in Troy, Jarvis Township, Madison County.

The appellant appeared before the Property Tax Appeal Board contending the assessment of the subject property was excessive. In support of this argument the appellant submitted copies of two decisions issued by the Property Tax Appeal Board (PTAB) for 2003 and 2004 under Docket Nos. 03-02240-C-3 and 04-02448-C-3. In those appeals the PTAB issued decisions reducing the assessment of the subject property based on an agreement of the parties. In 2003 the total assessment of both parcels were reduced to \$719,830 and in 2004 the total assessments of both parcels was reduced to \$720,140. The appellant also submitted a copy of the subject's 2003 and 2004 Operating Statement for the subject disclosing the subject had a net income from operations in 2003 of \$362,000 and a net income from operations in 2004 of 259,000. The appellant also submitted a letter from Greystone Environmental, Inc., dated December 16, 2002, stating cleanup costs from the underground storage tanks could approach \$800,000

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Madison County Board of Review is warranted. The correct assessed valuation of the property is:

Docket No.	Parcel No.	Land	Impr.	Total
05-02380.001-C-1	09-1-22-05-00-000-009	\$300,510	\$345,070	\$645,580
05-02380.002-C-1	09-1-22-05-00-000-009.001	\$115,780	\$0	\$115,780

Subject only to the State multiplier as applicable.

to \$1,000,000. The appellant also asserted in a letter dated September 14, 2005, that his business has suffered due to a new competitor being constructed a few miles away in an enterprise zone. Based on this evidence the appellant requested the subject's assessment be reduced to \$720,140, equivalent to the PTAB's decision issued in 2004.

The board of review submitted its "Board of Review Notes on Appeal" wherein its total assessment for both parcels of \$761,360 was disclosed. The subject's total assessment reflects a market value of \$2,281,570 using the 2005 three year median level of assessments for Madison County of 33.37%. In support of the assessment the board of review submitted copies of the subject's property record cards disclosing how the value of the property was calculated for assessment purposes. The board of review member, Kerry Miller, testified that six acres on the subject property were valued at \$300 per acre due to environmental issues. He also indicated that he had researched the Illinois EPA web site and found that the environmental remediation had been completed and no further remediation was required. The board of review also indicated the subject property had sold in November 2006 for a price of \$3,860,000. A copy of the Illinois Real Estate Transfer Declaration (PTAX-203) was submitted disclosing a total sales price of \$4,000,000. The form indicated that \$140,000 was deducted for personal property resulting in a net consideration for the real estate of \$3,860,000. The documentation disclosed the property was advertised for sale or sold using a real estate agent. There was no indication on the form that the parties to the transaction were related. The board of review also submitted a copy of the special warranty deed associated with the sale of the subject property. Based on this evidence, the board of review requested confirmation of the assessment of the subject property.

In rebuttal the appellant requested the November 2006 sale not be considered by the Board.

After hearing the testimony and considering the evidence the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant contends the subject's assessment is excessive. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3<sup>rd</sup> Dist. 2002). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The PTAB finds the appellant submitted no evidence demonstrating the assessment of the subject property was excessive and not reflective of the property's market value. The Board finds the best evidence of market value was submitted by the Madison County Board of Review. The board of review submitted copies of the subject's property record cards showing the calculation of the subject's assessment using the Computer Assisted Mass Appraisal system (CAMA). The board of review also submitted documentation disclosing the subject property sold in November 2006 for a price of \$4,000,000 with the net consideration for the real estate being \$3,860,000. The subject's total assessment of \$761,360 reflects a market value of \$2,281,570 using the 2005 three year median level of assessments for Madison County of 33.37%, which is \$1,578,430 or approximately 41% below the November 2006 sales price. The Board finds the evidence in the record clearly demonstrates the subject's assessment is not excessive in relation to its market value.

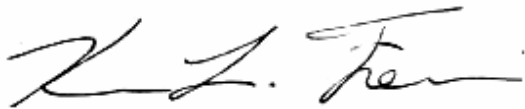
In conclusion the Board finds the evidence in the record does not support a reduction in the subject's assessment.

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This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member

Member

DISSENTING: \_\_\_\_\_

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: January 25, 2008



Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the

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session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.